

**MEDICAL EXAMINING BOARD
REGULAR MEETING
JANUARY 21, 2004**

MEMBERS PRESENT: Drs. Alfred Franger, Ronald Grossman, Jon Gudeman, Lief Erickson, Jack Lockhart, Daniel Miota, Ian Munro, Gene Musser, and Mary Cook, JD; and Virginia Heinemann. Dr. Saini arrived late.

MEMBERS EXCUSED: Dr. Sidney Johnson, Karen Kalishek

STAFF PRESENT: Tom Ryan, Bureau Director; Steve Gloe, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

GUESTS: Mark Grapentine and Jeremy Levin, State Medical Society of Wisconsin; Ron Hermes, Wisconsin Perfusionist Society

CALL TO ORDER

Vice Chair Virginia Heinemann called the meeting to order at 8:04 a.m.

APPROVAL OF AGENDA

Amendments:

Nomination forms for Election of Officers
Total Pending Cases Report
Monitoring – James L. Flowers

MOTION: Daniel Miota moved, seconded by Ian Munro, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES DECEMBER 17, 2003

Amendments:

Page 4 – Correct spelling of Jack Lockhart

Page 5 – Under Proposed Stipulation – Edgar K. Oliveira Filho, MD, the motion should read “Jack Lockhart moved, seconded by Mary Cook, in favor of rejecting the Stipulation in the matter concerning Edgar K. Oliveira, MD and recommend considering the North Dakota Order.”

MOTION: Jon Gudeman moved, seconded by Ronald Grossman, to approve the minutes of December 17, 2003, as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

DRL STAFF CHANGES:

Tom Ryan reported that Steve Gloe was promoted and will fill the position vacated by General Counsel William Dusso. Mr. Ryan also reported that DOE needs to fill two attorney positions.

Building renovations continue and the Department anticipates a fall completion date. Renovations will include modern office space and updated Board and conference rooms.

Tom Ryan stated that work is in progress to publish the Regulatory Digest. Mary Forseth is the coordinator and has asked for two MEB members to serve on the Regulatory Digest Committee. Dr. Franger and Mary Cook volunteered.

Mr. Ryan introduced Dr. Gene Musser, the latest appointed member of the Board. Dr. Musser is a cardiologist at Meriter Hospital and a member of the UW Medical Foundation.

ELECTION OF OFFICERS

The Board decided to hold off on the elections until Dr. Saini arrived.

MOTION: Alfred Franger moved, seconded by Lief Erickson, in favor of holding off the election of officers until Dr. Saini arrives at the meeting. Motion carried unanimously.

PRESENTATION OF STIPULATION IN THE MATTER CONCERNING DONALD TURNER, MD – CASE ADVISOR DR. LIEF ERICKSON

DOE Attorney James Polewski presented the proposed stipulation in the matter concerning Donald Turner, MD. This matter will be deliberated on in closed session.

CONSIDER PETITION TO EXTEND THE DEADLINE TO FILE A COMPLAINT IN CASE NO. 02 MED 379

DOE Attorney Jeanette Lytle presented the petition to extend the deadline to file a complaint in Case No. 02 MED 379. This matter will be deliberated on in closed session

CR 03-023 – PERFUSIONIST RULE – REVIEW FOR ADOPTION

The Board briefly discussed the Perfusionist Rule relating to the licensure and regulation of perfusionists.

MOTION: Alfred Franger moved, seconded by Daniel Miota, in favor of adopting Clearinghouse Rule 03-023. Motion carried unanimously.

REPORT OF WISCONSIN MEDICAL SOCIETY BOARD MEETING ATTENDANCE BY MEB MEMBERS

Dr. Johnson and Karen Kalishek were both excused and unavailable to give their report on meeting with the SMS. Mark Grapentine said their presentation was well received. He said that the SMS is updating its website and that they look forward to working with the Board. Mr. Grapentine offered to report back to the Board on their directions at a future meeting.

Dr. Saini arrived at 8:50 a.m.

MOTION: Jon Gudeman moved, seconded by Mary Cook, in favor of nominating officers via written nomination form and electing by written ballot. Motion carried unanimously.

The Board discussed responsibilities of the officers. The bureau assistant, Pamela Meicher, provided the Board with separate nomination ballots for Chair, Vice Chair and Secretary. Dr. Alfred Franger and Virginia Heinemann were nominated for Chair. Dr. Saini, Dr. Franger and Virginia Heinemann were nominated for Vice Chair. Lief Erickson was nominated for Secretary. Election ballots were cast and Dr. Franger was voted in as Chair, Dr. Saini was voted in as Vice Chair, and Dr. Erickson was voted in as Secretary.

MOTION: Ian Munro moved, seconded by Jack Lockhart, in favor of validating the election. Motion carried unanimously.

Dr. Franger assumed the Chair.

SET MEETING DATE FOR COMMITTEE TO REVIEW LICENSURE, INTERPRETATION AND CONSULTATION LIMITS FOR RADIOLOGICAL INTERPRETATIONS

Dr. Grossman will chair the committee. Committee members are Drs. Lockhart, Erickson and Karen Kalishek.

REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

The Board asked some questions about legal documents they had received in the Suster case. Mr. Ryan advised them to send all such documents to the Attorney General. Mr. Ryan will invite Attorney General Robert Hunter to the next meeting to answer Board member questions. The following Board members left the room: Drs. Gudeman, Lockhart and Musser; and Mary

CR 02-103 was noted by Mary Cook, JD, who requested that it be placed on the agenda at the next meeting.

**APPOINTMENT OF BOARD AND/OR DEPARTMENT REPRESENTATION AT FSMB
ANNUAL MEETING, APRIL 29-MAY 1, WASHINGTON, DC**

MOTION: Virginia Heinemann moved, seconded by Lief Erickson, in favor of sending Dr. Franger as its delegate and Dr. Gudeman and Tom Ryan as the Departmental representative to the FSMB annual meeting April 29 to May 1, 2004, Washington, D.C. Motion carried unanimously.

REPORT OF SCREENING COMMITTEE

Leif Erickson reported the Screening Committee reviewed 29 cases. Three cases were opened, 26 cases were not opened and two cases required more information.

Dr. Saini and Dr. Franger will meet with Sharon Henes, DOE, to review their cases next month.

INFORMATIONAL ITEMS

The Board requested a review of its past minutes on the subject of pain management be added to the February agenda.

RECESS TO CLOSED SESSION

MOTION: Alfred Franger moved, seconded by Lief Erickson, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Drs. Alfred Franger—yes; Lief Erickson—yes; Ronald Grossman—yes; Jon Gudeman—yes; Jack Lockhart—yes; Daniel Miota—yes; Ian Munro—yes; Bhupinder Saini—yes; and Mary Cook, JD—yes; and Virginia Heinemann—yes. Motion carried unanimously.

Open session recessed at 10:16 a.m.

**PROPOSED STIPULATION IN THE MATTER CONCERNING DONALD TURNER,
MD – CASE ADVISOR - DR. LIEF ERICKSON**

MOTION: Ronald Grossman moved, seconded by Bhupinder Saini, to adopt the Final Decision, Order and Stipulation in the matter concerning Donald Turner. Motion carried unanimously.

**PROPOSED PETITION TO EXTEND THE DEADLINE TO FILE A COMPLAINT IN
CASE NO. 02 MED 379**

MOTION: Daniel Miota moved, seconded by Ronald Grossman, in favor of requesting that the Secretary authorize an extension of time to file a complaint in Case No. 02 MED 389. Motion carried unanimously.

**PROPOSED ORDER FOR DISMISSAL IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST MARK C. BOETTCHER, M.D., RESPONDENT,
LS0307391MED**

The Board took no action. This item will be placed on the February agenda.

**PROPOSED ORDER FOR DISMISSAL: IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST BRYAN A. ROEMER, RCP, RESPONDENT,
LS0309241MED**

MOTION: Jon Gudeman moved, seconded by Bhupinder Saini, to adopt the Final Decision and Order and revoke the license of Byran A. Roemer, RCP. Motion carried unanimously.

**GREGG ERICKSON – REQUEST FOR TEMPORARY EDUCATIONAL PERMIT
PRIOR TO BOARD ORDERED SPEX EXAMINATION**

Gregg Erickson needs to show that he has been appointed to a residency before the Board will consider his request.

RICHARD HELFFRICH – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Bhupinder Saini moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter concerning Richard Helffrich. Motion carried unanimously.

PETER PARK – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Jon Gudeman moved, seconded by Bhupinder Saini, to grant a three month stay of suspension in the matter concerning Peter Park. Motion carried unanimously.

KENNETH SPARR – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Daniel Miota moved, seconded by Ian Munro, to grant a three month stay of suspension in the matter concerning Kenneth Sparr and recommend increasing his screens to once a week. Motion carried.

ROBERT VINCENT – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Ronald Grossman moved, seconded by Mary Cook, to grant a three month stay of suspension in the matter concerning Robert Vincent. Motion carried unanimously.

JAMES FLOWERS - REQUEST FOR FULL LICENSURE

MOTION: Jack Lockhart moved, seconded by Virginia Heinemann, to grant full licensure to James Flowers. Mary Cook abstained. Motion carried.

APPROVAL OF EXAMINATION SCORE – ANN SCHOPER

MOTION: Ian Munro moved, seconded by Lief Erickson, to accept the examination score for Ann Schoper as provided by the Examinations Office. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Virginia Heinemann moved, seconded by Ronald Grossman, to close complaint **02 MED 187** for no violation. Motion carried unanimously.

MOTION: Lief Erickson moved, seconded by Ian Munro, to close case **01 MED 074** for no violation. Motion carried unanimously.

MOTION: Virginia Heinemann moved, seconded by Ian Munro, to close case **03 MED 256** for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Karen Kalishek, to close case **03 MED 085** for no violation. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Ian Munro, to close case **03 MED 394** for insufficient evidence. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Jack Lockhart, to close case **97 MED 101** for compliance gained. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Jack Lockhart, to close case **97 MED 108** compliance gained. Motion carried unanimously.

MOTION: Lief Erickson moved, seconded by Virginia Heinemann, to close case **03 MED 325** for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Ian Munro moved, seconded by Daniel Miota, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MOTION: Ian Munro moved, seconded by Daniel Miota, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Lief Erickson, seconded by Bhupinder Saini, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:00 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Ian Munro moved, seconded by Daniel Miota, to vote to accept all motions made during closed session. Motion carried unanimously.

Virginia Heinemann thanked Dr. Johnson for his service as Chair on behalf of the Board.

ADJOURNMENT

MOTION: Daniel Miota moved, seconded by Bhupinder Saini, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:05 p.m.